

REMARKS

After entry of this amendment, claims 78-89 will be pending. Support for these new claims can be found throughout the specification. In particular, support for the substrate and plate with tethers is generally found at page 16, line 30-page 17, line 22, page 18, lines 6-17, page 18, line 27-page 19, line 31 and page 24, line 16-page 28, line, and corresponding Figs. 7, 8 and 12. Support for oscillating the plate and the reciprocating motion of the plates is discussed at page 10, lines 8-26, where the use of piezoelectric materials are used to create reciprocating motion (e.g. oscillation) and at Page 17, lines 20-22, where the use of piezoelectric materials on the tethers is discussed. Support for the contact pads may be found at page 25, lines 10-11. The use of test fluids is disclosed throughout the specification with regard to placement of the samples on the sensor. Fluids as suitable samples are disclosed with respect to Fig. 9 (page 17, line 34-page 18, line 2. Fluids as samples are also discussed in the background at page 1, lines 21-24. Placement of the electrode on the plate is discussed at page 20, lines 19-23. Oscillation within a magnetic field is supported at page 20, lines 25-34. Support for detecting shear and normal forces is discussed at page 24, line 16-17 among other places. Support for the micromachined and silicon plate may be found at page 24, lines 19-21. Support for the inclusion of a strain gauge in the sensor may be found at page 24, lines 23-29 and page 25, line 10-page 26, line 8, where the use of piezo-resistive area on the tethers are used to measure shear and normal force.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

Formal Matters

The Examiner objected to the drawings in that items 109 and 110 appear to be designating the same component. The Examiner's attention is drawn to the proposed drawing change to Figure 1 in which the lead for reference numeral 110 has been extended. No new matter has been added.

The Examiner also objected to the drawings in that reference numerals 1102b and 1109b appear in the specification but not in the drawings. The Examiner's attention is drawn to new figure 11A. Appropriate amendments to the specification referencing Figure 11A have also been made. No new matter has been added.

The Examiner objected to the drawings as not showing every feature of the claims (i.e. adjusting device for adjusting the separation of the plates). This objection is moot in view of the amended claims.

The Examiner objected the specification. The Applicants have made numerous amendments to the specification to adopt the majority of the Examiner's suggested changes.

Double Patenting

The Examiner rejected claim 1 under 35 U.S.C. 101 as claiming the same invention as that of claim 1 of U.S. Patent No. 6,655,194. Applicants respectfully request that this rejection be withdrawn in view of the cancellation of claim 1.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-0496 for any fee which may be due.

Date: _____

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